THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.16153 OF 2005

DATED: 24-04-2006

BETWEEN:

P.Laxman Rao.

...PETITIONER

AND

The Commissioner,

Municipal Corporation of Hyderabad,

Lower Tank Bund Road,

Hyderabad.

...RESPONDENT

ORDER:

This Writ Petition is filed seeking a writ of Mandamus declaring the action of the respondent in seeking to demolish the structures without notice, as illelgal, arbitrary and contrary to the provisions of the Hyderabad Municipal Corporation Act (for brevity 'the Act').

2. Heard the learned counsel appearing for the petitioner as well as the learned standing counsel appearing for the respondent.

3. It is the case of the petitioner that he is the owner of the house bearing No.1-3-731, Kavidiguda, Hyderabad and he had removed the old structures with a view to have safety and security of the belongings in the house and to protect privacy a pit wall was raised around the old house for which no permission is required in law.

While so, the respondent issued a notice, dated
15-07-2005, to the petitioner under Section 452 (2) of the Act calling upon him to submit his explanation as to why the unauthorized construction of the ground floor, by violating the G.O.Ms.No.423 MA dated 31-07-1998 regarding the set backs, should not be removed.

4. It is stated that the petitioner filed his explanation on
21-07-2005 but without considering the same and without passing final order with regard to the alleged specific violations the respondent threatened to remove the structures.

5. While admitting the Writ Petition this Court passed the following order:

> *"Interim stay of further demolition of the structures of the petitioner till disposal of the application made by the petitioner, dated 21-07-2005, in response a notice issued by the respondent on 15-07-2005. The respondent shall dispose of the representation dated 21-07-2005 within a period of four weeks from the date of receipt of this order".*

6. It is not clear whether the representation has been disposed of or not. Having regard to the facts and circumstances of the case, the Writ Petition is disposed of directing the respondent to consider and dispose of the application made by the petitioner dated 21-07-2005, if not already disposed of after giving reasonable opportunity to the petitioner within three weeks from the date of receipt of this order. Till then, status Quo obtaining as on today shall be maintained. No order as to costs.

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V. ESWARAIAH, J

24th April, 2006

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